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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,403	03/22/2000	Yu Minakuchi	1341.1041/JDH	8398
21171	7590	03/24/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/534,403	MINAKUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adnan M Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 February 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-7,9,11-13 and 15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-7,9,11-13 and 15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-7,9,11-13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (U.S. 5,938,734) and Ueno et al (U.S. 6,438, 596).

3. As per claims 3,12,13 Yao disclosed further comprising a distribution control unit distributing over a network a content as real-time reproducible stream information regarding a distribution of a content as real-time reproducible stream information of the content at the receiving device (col. 3, lines 1-20 & col. 11, lines 17-27); and a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit, wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information (col. 3, lines 1-20).

However Yao failed to disclose a reproduction control unit controlling the distribution control unit regarding distribution of the content to the receiving device and controlling over the network according to reproduction instructions to the receiving device the real-time reproduction of the stream information of the content at the receiving device.

In the same field of endeavor Ueno disclosed communication means for transmitting the real time data; reproduction means for receiving and reproducing the real time data; communication means for transmitting the real time data; reproduction means for receiving and reproducing the real-time data; reproduction means for receiving and reproducing the real time data; communication-network-resources management control means for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means; storage-resources management control means for managing the kind of the real-time data stored data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). Therefore, it is possible to prevent the user from wasting time and labor for interactively selecting a required real-time data, so that it is possible to improve the facility for the user (col. 4, lines 62-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the reproduction control unit which controls said receiving device, regarding a real-time reproduction of the stream information as taught by Ueno in the method of Yao to be more versatile in the methodology of digital data streaming and reduce the cost.

4. As per claim 2 Yao-Ueno disclosed further comprising a change-over unit to be manipulated by an operator for changing a control of the reproduction control unit to another control condition, wherein said reproduction control unit controls said receiving device according to the control condition (Ueno, col. 5, lines 3-25).

5. As per claim 4 Yao-Ueno disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving device and prohibits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 18, lines 43-57).

6. As per claim 5 Yao-Ueno disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving devices and permits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 14, lines 11-30).

7. As per claims 6,7 Yao-Ueno disclosed a distribution control unit which controls an information distribution device to distribute real-time reproducible stream information to the distribution control unit itself (Yao, col. 11, lines 15-37); an editing unit receiving the content as the real-time reproducible stream information from an information distribution device, and editing and distributing the received real-time reproducible stream information (Ueno, col. 4, lines 32-50) wherein the reproduction control unit controls the receiving device regarding the real-time reproduction of the edited stream information (Ueno, col. 12, lines 23-34).

8. As per claims 9,11 Yao-Ueno disclosed the invention substantially in claim 1 including further comprising a distribution control unit distributing over a network a plurality of contents each as stream information including moving picture data that can be reproduced in real time to a receiving device (Yao, col. 3, lines 1-20); a reproduction control unit controlling over the network the distribution control unit regarding the distribution of the plurality of stream information of the contents to the receiving device and controlling over the network the receiving device regarding a display method relating to the real-time reproduction of the plurality of stream information of the contents (Ueno, col. 12, lines 23-34); and a memory unit storing importance level information on the importance level of each content (Yao, col. 4, lines 6-21), wherein reproduction control unit controls over the network the receiving device so as to reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information (Ueno, col. 14, lines 11-30).

9. As per claim 15 Yao-Ueno disclosed a data streaming network system, comprising: a distribution server comprising a programmed computer processor distributing over a network a content as real-time reproducible stream information to a client computer (Yao, col. 3, lines 1-20); a transit control server in network communication with the distribution server and the client computer and comprising a programmed computer processor controlling over the network the distribution of the content by the distribution server and controlling over the network according to reproduction instruction to the receiving device, the real-time stream information reproduction conditions of the content at the client computer (Ueno, col. 4, lines 32-50).

Applicant's Arguments are as follows:

10. Applicant argued that prior art relates to lower layer data transmission while the claimed invention relates to higher level data transmission.

As to applicant's argument first, lower level data transmission and higher level data transmission is not part of the claimed language. Second, the Primary Examiner didn't agree on any part of the claim and otherwise it will be included in the interview summary. Third, if the argument was considered then there was not enough information given to validate to make the difference between the prior art and the invention in terms of lower level data transmission and higher level data transmission.

11. Applicant argued that prior art did not disclose the present invention's distribution control unit distributing "a content as real-time reproducible stream information.

As to applicant's argument Yao disclosed in Fig. 2, J indicates the maximum jitter number which is determined according to the following formula  $J < BM - D - T - 1$  where B is a ration of a size of a buffer memory that can be used by one stream and size of one block of the real time stream data, M is a time (a number of slots) for reproducing one block at a client, T is a time (a number of slots) for transferring one block to a client, and D is an estimated maximum delay time (a number of slots) in a case where disk access end timing extends beyond the end timing of the

allocated time-slot (col. 11, liens 11-23). One ordinary skill in the art at the time of the invention can understand that in the above statement Yao has the means to reproduce the real time data stream.

12. Applicant argued that prior art did not disclose externally control real-time content level distribution to a receiving device and to externally control real-time reproduction of the content at the receiving device.

As to applicant's argument in the above statement "externally" is not part of the claimed language. If the argument considered Yao did disclose a method for operating a real time stream server having a plurality of disk devices and a buffer memory, comprising the steps of: entering real time stream data into the real time stream server; determining the number of unit streams to be used and a block transfer time for real time stream data (col. 3, lines 1-8).

13. Applicant argued that prior art did not disclose a reproduction control unit that controls the real time reproduction of the stream information of the content at the receiving device.

As to applicant's argument Ueno disclosed communication-network-resources management control means for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means; storage-resources management control means for managing the kind of the real-time data stored

data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). One ordinary skill in the art at the time of the invention can interpret the communication-network-resources management control as reproduction control unit.

14. Applicant amended the claims and added that prior failed to disclose “reproduction instructions to the receiving device”.

As to applicant's argument Ueno disclosed communication-network-resources management control means for managing for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means (col. 4, lines 39-41). The control means informing the user of only a real-time data, which is able to be offered immediately if selected, as a real-time data to be selected. In this system, the user is previously informed of real time data which can be guaranteed to be offered immediately, so that the user can be select a real-time data among the informed real-time data (col. 4, lines 59-64). One ordinary skill in the art at the time of the invention consider user as receiving device and the reproduction means as reproduction instructions being sent to the user.

15. Applicant argued that prior art did not disclose “storing importance level information of each content to control over the network the receiving device to reproduce a higher priority stream information of other contents based on the stored importance level information:.

As to applicant's arguments Ueno disclosed that an elapsed period of time from the final access completing time of a video source I is  $t_i$  and a required reproduction period of time from the head of the video source I to the end of the segment of number  $j$  is  $T_{ij}$ . In this case, the degree of priority  $P_{ij}$  of the segment  $j$  of the video source I is derived from  $P_{ij}=t_i*T_{ij}$  (col. 22, lines 5-10). Ueno disclosed prioritizing the video segment for reproduction.

Examiner addressed all the new limitation added to the claims.

***Conclusion***

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

17. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

18. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

19. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900. Any response to a final action should be mailed to:

BOX AF

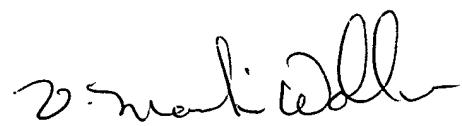
Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza  
Examiner



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